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Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 CIAE-00 DODE-00 INR-11 NSAE-00 PA-04

RSC-01 USIA-15 PRS-01 SP-03 SAM-01 DRC-01 /063 W
---------- 086712
R 221602Z JUL 74
FM AMEMBASSY MADRID
TO SECSTATE WASHDC 9527
INFO AMEMBASSY LISBON
AMEMBASSY ROME

C O N F I D E N T I A L SECTION 1 OF 2 MADRID 4662

E.O. 11652: GDS
TAGS: PFOR, PINT, VT, SP
SUBJ: STATUS OF CONCORDAT NEGOTIATIONS; CORTINA
VISIT TO ROME

REF: MADRID 3560

BEGIN SUMMARY: JUNE 11-17 VISIT TO ROME OF SPANISH FONMIN
FOR PURPOSE CONTINUING CONCORDAT NEGOTIATIONS REPORTEDLY
RESULTED IN PROGRESS TOWARDS GOAL OF REVISION EXISTING
1953 CONCORDAT. ALTHOUGH FEW DETAILS AVAILABLE, REPORTEDLY
TWO BIGGEST STUMBLING BLOCKS MAY HAVE BEEN RESOLVED (1)
WITH GOS DROPPING ITS INSISTENCE ON VETO POWER OVER
PRESENTATION OF BISHOPS, AND (2) WITH VATICAN AGREEING
TO ELIMINATION CLERICAL 'FUERO' WHEREBY PRIESTS CAN
PRESENTLY ONLY BE TRIED IF PRIOR PERMISSION IS OBTAINED
FROM THEIR BISHOPS. SPANISH CLERGY AND EPISCOPATE
CONTINUE UNHAPPY AND RESENTFUL OVER THEIR VIRTUAL EXCLUSION
FROM NEGOTIATIONS, AND THEY RECENTLY REPORTEDLY HAD THREE
SPANISH BISHOPS ON ROMAN CURIA PROTEST THIS TREND OF
EVENTS, WHICH PROTEST WAS ALLEGEDLY RELAYED TO POPE.
END SUMMARY

1. FOMIN CORTINA SPENT JUNE 11 TO 17 IN ROME ENGAGED
IN RENEWED CONCORDAT NEGOTIATIONS WITH VATICAN OFFICIALS.
WHILE THERE, HE AND SPANISH AMBASSADOR TO VATICAN
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FERNANDEZ DE VALDERRAMA SPENT SEVERAL LENGTHY SESSIONS

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WITH MSGR. AGOSTINO CASAROLI, VATICAN SECRETARY FOR PUBLIC AFFAIRS, AND HIS ASSISTANTS. CORTINA WAS ALSO RECEIVED, INTER ALIA, BY CARDINAL VILLOT, VATICAN SECRETARY OF STATE AND, ON JULY 17, BY POPE PAUL. REPORTEDLY CORTINA DELAYED HIS DEPARTURE FROM ROME, HAVING COMPLETED HIS LAST SCHEDULED NEGOTIATING SESSION ON JULY 15, UNTIL JULY 17, FIRST DAY POPE BEGAN TO RECEIVE AUDIENCES AFTER HIS RECENT ILLNESS, PRECISELY SO HE WOULD BE RECEIVED BY POPE.

2. CORTINA VISIT TO ROME WAS SECOND STEP IN NEW ROUND OF CONCORDAT NEGOTIATIONS WHICH COMMENCED WITH VISIT OF MSGR. CASAROLI TO MADRID JUNE 4-6 (REFTEL). THAT VISIT HAD LAUNCHED DIALOGUE WITH ARIAS GOVT ON CHURCH/STATE PROBLEMS AND CONCORDAT, AND ESTABLISHED FAVORABLE NEGOTIATING CLIMATE BETWEEN GOS AND VATICAN.

3. IT NOW CLEAR THAT OBJECTIVE CURRENT NEGOTIATIONS IS "ACTUALIZACION", I.E., REVISION, OF EXISTING 1953 CONCORDAT. COUNSELOR AT PAPAL NUNCIATURE RECENTLY TOLD EMBOFF THAT WHAT GOS HAD REALLY WANTED WAS AN ENTIRELY NEW CONCORDAT TO REPLACE 1953 AGREEMENT, BUT THAT THIS WAS UNACCEPTABLE TO VATICAN WHICH FEELS NEW CONCORDAT MIGHT CONVEY IMPRESSION VATICAN SUPPORT S GOS AND WOULD ENHANCE LATTER'S PRESTIGE. HE STATED ON OTHER HAND VATICAN WANTED TO MERELY NEGOTIATE PARTIAL ACCORDS WHICH WOULD ONLY HAVE RESOLVED THOSE FEW CURRENTLY BURNING ISSUES ON WHICH AT LEAST TEMPORARY AGREEMENT IS INDIS-PENSABEL IN ORDER TO AVOID MAJOR CONFRONTATIONS, BUT THIS SOLUTION IS TOTALLY UNACCEPTABLE TO GOS WHICH WANTED NEW CONCORDAT OR OTHER COMPARABLE STATE TREATY-TYPE ARRANGEMENT IN WHICH VATICAN WOULD GIVE GOS FULL RECOG-NITION AND INCREASED STATURE. THUS HE SAID THIRD SOLUTION, BY WHICH TEXT OF EXISTING 1953 CONCORDAT WOULD BE REVISED, THEREBY ENABLING GOS TO CLAIM THAT SOMETHING AKIN TO A NEW CONCORDAT HAD BEEN NEGOTIATED WHILE VATICAN AT SAME TIME COULD POINT OUT DOCUMENT IS NOT NEW CONCORDAT BUT MERELY A NECESSARY COMPLETE REVISION OF TEXT OF 1953 ONE, WAS COMPROMISE FINALLY AGREED UPON.

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4. ALTHOUGH FEW DETAILS OF THE NEGOTIATIONS HAVE BEEN MADE PUBLIC, REPORTEDLY SIGNIFICANT PROGRESS MAY HAVE BEEN MADE. PRESS AND CLERICAL SOURCES APPEAR TO AGREE, HOWEVER, THAT THE TWO BIGGEST STUMBLING BLOCKS IN RECENT YEARS, I.E., THE QUESTIONS OF THE RIGHT OF PRESENTATION OF BISHOPS AND OF THE CLERICAL "FUERO", MAY HAVE BEEN RESOLVED. ACCORDING THESE SOURCES, GOS MAY HAVE CAPITULATED ON PRESENTATION OF BISHOPS ISSUE AND MAY NO LONGER BE

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INSISTING THAT SPANISH CHIEF OF STATE HAVE VETO POWER HE HAS HAD UP TO NOW OVER DESIGNATION OF BISHOPS, THUS CONSTITUTING A MAJOR CONCESSION TO VATICAN. REPORTEDLY, IN A REVISED CONCORDAT VATICAN WOULD MERELY BE OBLIGED TO GIVE CHIEF OF STATE ADVANCE NOTICE, BT HE COULD NOT OBJECT TO DESIGNATION. APPARENTLY GOS MAY HAVE GIVEN WAY ON THIS POINT LARGELY BECAUSE VATICAN WAS CIRCUM-VENTING GOS' VETO POWER ANYWAY BY APPOINTING AUXILIARY BISHOPS, WHO WERE NOT SUBJECT TO GOS VETO, INSTEAD. ALLEGEDLY VATICAN MAY HAVE ALSO AGREED, IN A REVISED CONCORDAT, TO CEASE USING MECHANIS OF APPOINTMENT OF AUXILIARY BISHOPS (WHICH WOULD IN ANY EVENT, NO LONGER BE NECESSARY).

5. SECOND STUMBLING BLOCK WHICH REPORTEDLY MAY HAVE BEEN RESOLVED IS QUESTION OF CLERICAL "FUERO", WHEREBY GOS CANNOT CURRENTLY BRING A PRIEST TO TRIAL WITHOUT OBTAINING IN ADVANCE THE PREMISSION OF THE LOCAL BISHOP, A PROVISION OF THE CONCORDAA WHICH IN RECENT YEARS HAS BEEN USED LIVERAL BISHOPS TO SHIELD PRIESTS WHO HAVE BEEN ACCUSED OF A VARIETY OF OFFENSES, LARGELY POLITICAL IN NATURE. ALLEGEDLY THE VATICAN MAY HAVE DROPPED ITS HERETOFORE STRONG INSISTENCE ON MAIN-TAINING THE CLERICAL "FUERO" AND MAY HAVE AGREED TO GOS DEMAND THAT PRIESTS BE TRIED UNDER ORDINARY SPANISH JUSTICE, REPORTEDLY AS A QUID-PRO-QUO FOR THE GOS' CONCESSION O N THE PRESENTATION OF BISHOPS ISSUE.

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ACTION EUR-25

INFO OCT-01 ISO-00 CIAE-00 DODE-00 INR-11 NSAE-00 PA-04

RSC-01 USIA-15 PRS-01 SP-03 SAM-01 DRC-01 /063 W
---------- 088930
R 221602Z JUL 74
FM AMEMBASSY MADRID
TO SECSTATE WASHDC 9528
INFO AMEMBASSY LISBON
AMEMBASSY ROME

C O N F I D E N T I A L SECTION 2 OF 2 MADRID 4662

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6. MANY OTHER CONTENTIOUS ISSUES HAVE ALSO REPORTEDLY BEEN DISCUSSED, ALTHOUGH IT IS NOT KNOWN HOW THEY MAY BE RESOLVED. AMONG THESE ARE THE ISSUES OF (A) THE "CONFESSIONALITY" OF THE STATE, WHEREBY CATHOLICISM IS DEFINED IN THE CONCORDAT AS THE "ONLY RELIGION OF THE SPANISH NATION"; (B) THE SPECIAL PRIESTS PRISON IN ZAMORA (ALTHOUGH THIS WOULD PRESUMABLY DISAPPEAR ALONG WITH THE CLERICAL "FUERO" IF PRIESTS ARE TO BE TREATED THE SAME AS ALL OTHER OFFENDERS; (C) STATE SUBSIDIES TO THE CHURCH; AND (D) RELIGIOUS EDUCATION.

7. IT IS EXPECTED THAT THE CURRENT CONCORDAT NEGOTIATIONS WILL RESUME IN EARLY FALL WITH A RETURN VISIT BY MSGR. CASAROLI TO MADRID, AND THAT THE NEGOTIATIONS WILL ALSO NECESSITATE FURTHER VISITS TO ROME BY FONMIN CORTINA.

8. THE THIRD FACTOR IN THE SPANISH CHURCH/STATE EQUATION, I.E., THE SPANISH CLERGY THEMSELVES AS REPRESENTED LY THE SPANISH BISHOPS CONFERENCE, CONTINUE TO BE UNHAPPY AND RESENT FUL AT THEIR VIRTUAL EXCLUSION FROM THE CURRENT NEGOTIATIONS, DESPITAGPRIOR ASSURANCES BY THE VATICAN THAT CONFIDENTIAL

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THEIR VIEWS WOULD BE TAKEN INTO ACCOUNT AND THAT THE CONCORDAT WOULD NOT BE REVISED BEHIND THEIR BACKS. THE SPANISH BIDXOPS' DISCONTENT, PARTICULARL Y OVER MSGR. CASAROLI'S EARLY JUNE VISIT TO SPAIN, WAS SO INTENSE THAT THEEPISCOPATE TOOK THE UNUSUAL STEP OF HAVING THE THREE SPANISH BISHOPS WHO ARE MEMBERS OF THE CURIA IN ROME, HEADED BY CARDINAL TABERA, REPORTEDLY EXPRESS THEIR DISA-APOINTMENT AT THE HOLY SEE'S LACK OF PRIOR CONSULTATION TO HIGH VATICAN PRELATES WHO IN TURN CONVEYED THEIR SENTIMENTS TO THE POPE. THE EPISCOPATE'S CONTINUED UNHAPPINESS RESULTED IN THE VATICAN'S SENDING MSGR, ACERBI, PRINCIPAL ASSISTANT TO MSGR. CASAROLI, TO MADRID FROM JUNE 17-22 TO EXPLAIN THE VATICAN'S POSITION AND TO REPEAT THE HOLY SEE'S ASSURANCES BEHIND CLOSED DOORS TO THE RECENT PLENARY OF THE SPANISH EPISCOPAL CONFERENCE. NEVERTHELESS, DISTRUST OF THE VATICAN'S INTENTIONS ON THE CONCORDAT AND DISCONTENT IN THE SPANISH EPISCOPATE REMAIN STRONG.

9. WHAT PERHAPS MOST WORRIES THE SPANISH EPISCOPATE IS THE FACT THE NEGOTIATIONS ARE NOW BEING CARRIED ON WITH NO

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ACKNOWLEDGED FORMAL ROLE FOR THE SPANISH BISHOPS. THUS IT APPEARS TO THE EPISCOPATE THAT THE VATICAN HAS ACQUIESCED TO THE GOS' LONG-STANDING INSISTENCE THAT NEGOTIATIONS BETWEEN THE HOLY SEE AND GOS BE CONDUCTED EXCLUSIVELY AT A STATE-TO-STATE LEVEL, THEREBY UNDERCUTTING THE NEWLY LIBERAL EPISCOPAL CONFERENCE, WEAKENING THE BISHOPS' CLAIM TO SIEAK FOR SPAIN'S CATHOLICS, AND VIRTUALLY IGNORING Z EIR DEMANDS FOR A VOICE IN VATICAN POLICIES AS THEY AFFECT SPAIN.

10. DESPITE THE CURRENT REPORTED PROGRESS TOWARDS REVISION OF THE 1953 CONCORDAT, THERE ARE SOME INDICATIONS THAT THE VATICAN DOES NOT WISH TO MOVE TOO QUICKLY IN THESE NEGOTIATIONS. ACCORDING TO THIS THBCRY THE VATICAN WOULD MUCH PREFERE TO CONCLUDE A REVISED CONCORDAT AFTER FRANCO WERE TO LEAVE THE SCENE, SINCE THIS WOULD ZE LESS DAMAGING TO THE VATICAN'S IMAGE AMONG PROGRESSIVE CLERGY BOTH IN SPAIN AND ABROAD.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: RELIGIOUS LEADERS, CHURCH STATE RELATIONS, DIPLOMATIC DISCUSSIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 22 JUL 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974MADRID04662
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740198-0762
From: MADRID
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740729/aaaaaypf.tel
Line Count: 240
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: MADRID 3560
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 22 MAY 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <22 MAY 2002 by elyme>; APPROVED <20 FEB 2003 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: STATUS OF CONCORDAT NEGOTIATIONS; CORTINA VISIT TO ROME
TAGS: PFOR, PINT, OVIP, VT, SP
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

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